

## ON TRACK WITH MDT

One area that seems to cause some confusion for the public is MDT's regulation of outdoor advertising.

The idea of managing outdoor advertising actually dates back to the Federal-aid Highway Act of 1958. In section 12 of that mandate, Congress discussed the need "to promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways," concluding that "it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such system by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system."

The importance of this issue was solidified on October 22, 1965, when President Lyndon B. Johnson signed the Highway Beautification Act into law. The first section of that law sets forth the objective by which we operate: "The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the Primary System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

In addition to providing the above overall guidance, the law provided for 1) state compliance, 2) the development of standards for lawful signs, and 3) the removal of nonconforming signs. Expedient removal of illegal signs was also mandated.

While we as a state are not forced to control outdoor advertising signs, failure to impose the required controls could result in a substantial penalty – specifically, a 10 percent reduction of the state's annual Federal-aid highway apportionment. For Montana, that would mean a loss of \$15 to \$20 million a year. To date, Montana has not been sanctioned, but we received a warning in 2000 that led us to increase our regulatory efforts. [State regulations regarding outdoor advertising can be found in the Montana Code Annotated (MCA), sections 75-15-101 through 75-15-134, and in sections 18.6.201 through 18.6.270 of the Administrative Rules of Montana (ARM).]

So what does all of this mean for you and me? It means that all highways that are part of the National Highway System (NHS) – in other words, all of the interstate and many of the old primary highways – are subject to control. Inside urban boundaries of towns with 5,000 or more people, outdoor advertising is controlled within 660 feet from the edge of the right of way. Outside of those urban boundaries, signs are controlled to the limit of the visibility or readability of the sign. There are far too many specifics to detail here, but our right-of-way agents can help you any time you have a question about the potential location of a sign.

Once you've determined an appropriate location for your sign, our right of way agents can help you obtain the necessary permits. All fees are based on the square footage of the sign face. There is a modest one-time application fee and a three-year renewal fee.

If a sign is not properly placed or permitted, MDT crews will either tag it or remove it, depending on what kind of sign it is and where it is located. Political campaign signs, for example, do not require a permit, and they are allowed only for the period from 90 days prior to the applicable election to 30 days following that election. Like other types of outdoor advertising, they cannot be placed in state-owned right-of-way. If the signs are improperly posted or are left up outside the mandated timeframe, MDT crews will remove them and store them until the owner/candidate can pick them up.

Outdoor advertising signs that require a permit (i.e., billboards), on the other hand, are usually marked with a green sticker that asks the sign owner to contact MDT if the sign is not properly permitted/placed. Additional information can be found in MDT's outdoor advertising control handbook, which is available online at:

[www.mdt.state.mt.us/rw/docs/oac\\_031230.pdf](http://www.mdt.state.mt.us/rw/docs/oac_031230.pdf).



I hope that this quick overview of outdoor advertising controls will help you understand why and how MDT manages outdoor advertising. It might seem like a minor issue to some, but preserving the integrity of our highways is of utmost importance to us, for that is key to staying "on track" with the future of this great state.

Please travel safely and have a wonderful summer!

Dave Galt  
Director